

Application No. 10/750,608
Amendment Dated August 14, 2009
Reply to Office Action of May 14, 2009

REMARKS

Applicants respectfully request further examination and reconsideration in view of the above amendments and the arguments set forth fully below. In the Final Office Action mailed May 14, 2009, claims 1-42 have been rejected. In response, the Applicants have submitted the following remarks, and amended claims 1, 11, 25 and 40. Accordingly, claims 1-42 are still pending. Favorable reconsideration is respectfully requested in view of the amended claims and the remarks below.

Response to Arguments

In the "RESPONSE TO ARGUMENTS" section of the Office Action, the Examiner indicates that he "maintains his stand" with respect to the teachings of the StatView reference. However, it appears that the Examiner has still ignored the notable limitations of the Applicants independent claims, as previously argued in Office Action responses and further in the discussions the Examiner had with the undersigned in a previous telephone interview. As a reminder, on February 24, 2009, the undersigned and Examiner George Monikang conducted a telephonic Examiner interview. The undersigned pointed out to the Examiner that the cited prior art references do not teach nor make obvious sending a notification message simultaneously to caregiver receivers from all of a cellular network, a notification transmitter, and a WLAN access point. As discussed below, there is no teaching of this structure or functionality in the cited prior art. Nor does the Examiner provide any citation to show that the notification message is sent simultaneously to caregiver receivers from all of a cellular network, a notification transmitter, and a WLAN access point in his Office Action or his maintained stand in the "RESPONSE TO ARGUMENTS" section.

While no specific agreement was reached in the interview, the Examiner indicated that the Applicant should prepare and file an Amendment and response according to the proposed amendments to the independent claim 1 (which the Applicants did on February 26, 2009), and that the Examiner would consult with an additional art group in the USPTO to provide him with a better understanding of the appropriate prior art to be cited. There is no indication in the "RESPONSE TO ARGUMENTS" section, nor in the remainder of the

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Office Action that the Examiner actually did consult with the other art group to help him understand or appreciate the present application or the cited references.

The Applicants wish to renew their intent to further interview this case, and **will contact the Examiner in the coming weeks to possibly interview this case prior to the Examiner issuing a new Office Action.**

Furthermore, Applicants have hereby amended the independent claims in the above amendments to further clarify the claim language in hopes that the Examiner better understands the system and method of the present application, and for further reconsideration. The remainder of these remarks are resubmitted from Applicants previous Office Action response dated February 26, 2009.

Rejections Under 35 U.S.C. §103

Claims 1-42 have been rejected under 35 U.S.C. §103(a) as being unpatentable over StatView RespondNow, 2002, GE, USA. (hereinafter StatView), in view of U.S. Patent No. 5,997,476 to Brown (hereinafter Brown).

Referring to Figure 1 of the present application the system and method includes a notification server 52 that is capable of sending an alert to a caregiver receiver 58, 60, 62 using any of a cellular network 42, notification transmitter 40 or WLAN access point 33. The notification server generates these messages from alarms from the monitors 14, 16, 18, and other system alerts that may occur. As discussed above, the limitations added to the independent claims in the previous Office Action include the notification transmitter, the WLAN transceiver, and the cellular network transceiver, all configured to receive the alert from the notification server and transfer the notification message to a portable electronic device. By the above amendments, the Applicants have further clarified the independent claims to better capture the invention and the clear differences between the invention and the prior art references. Support for these claims is found in the specification, particularly in paragraphs 89-91, but further beyond paragraph 91 as well. In these paragraphs, it is stated that "data may be transferred between notification server 52 and the caregiver receivers 58

through 62...point to point by way of notification transmitter 40." The data may also be transferred from notification server 52 by way of WLAN transceivers 34 through 38 [present application, paragraph 90]. The data may also be transferred from the notification server 52 to caregiver receivers 58 through 62 by way of a cellular network transceiver 42, "or by more than one of these methods." [present application, paragraph 91].

As will be discussed below, it is apparent that the cited prior art references StatView and Brown, do not teach nor make obvious this functionality and architecture.

The StatView reference teaches a closed loop, wireless alarm notification system that captures alarm notifications from a monitoring network and delivers it to a caregiver. Within the Office Action, it is stated that the StatView reference teaches "the medical monitoring system includes a notification server that converts the alert to an appropriate format and a notification transmitter that receives the alert and wirelessly transfers the notification message to a portable electronic device". However, there is no indication in the StatView reference that this is indeed taught. First, no notification server is listed in the StatView reference, and it is clear from the StatView reference that the device captures notification alarms from an existing system, or a compatible system as listed on page 2. The StatView reference does not teach a notification transmitter, a WLAN transceiver, and a cellular network transceiver, all configured to receive a converted alert from the notification server and wirelessly transfer the notification message to a portable electronic device of a pre-selected caregiver.

The Brown reference teaches a network system for interactive communication and remote monitoring of individuals. While the Brown reference does indeed teach voice data transmission, the Brown reference does not teach the functionality of the notification server, nor of the transmission of the alarm notification through a notification transmitter, a WLAN transceiver and a cellular network transceiver as described and claimed in the present invention.

The independent claim 1 is directed to a medical monitoring system of a health care facility, the system comprising a plurality of patient monitoring devices, each of the plurality

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of patient monitoring devices configured to send an alert to the medical monitoring system through a hospital network when any of a plurality of patients being monitored may have a condition that requires attention, the medical monitoring system configured to generate a notification message when any one of the plurality of patient monitoring devices sends the alert; a notification server that converts the alert to an appropriate format; and a notification transmitter, WLAN transceiver, and a cellular network transceiver, all configured to receive the alert from the notification server and simultaneously transfer the notification message wirelessly to a portable electronic device of a pre-selected caregiver, wherein the portable electronic device includes: an audio signal input device; an audio signal output device; a wireless transceiver; and a processing circuit configured to receive the notification messages indicating that the patient being monitored may have a condition that requires attention and to facilitate transfer of voice data to the audio signal output and from the audio signal input by way of the wireless transceiver, wherein the portable electronic device is adapted to communicate via a plurality of wireless protocols, corresponding to the plurality of patient monitoring devices. As discussed above, neither StatView, Brown, nor their combination teach the structure nor functionality of the present system and method. For at least these reasons, the independent claim 1 is allowable over the teachings of StatView, Brown and their combination.

The Applicants respectfully submit that the independent claims 11, 25 and 40 are also allowable over the teachings of StatView and Brown for the same reasons as discussed above with respect to the independent claim 1.

Claims 2-10, 12-24, 26-29 and 41-42 are dependent upon the independent claims 1, 11, 25 and 40. As discussed above, the independent claims 1, 11, 25 and 40 are allowable over the teachings of StatView, Brown and their combination. Accordingly, claims 2-10, 12-24, 26-39, and 41-42 are also allowable as being dependant upon an allowable base claim.

For these reasons, Applicants respectfully submit that all of the claims are now in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, they are encouraged to call the undersigned at

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414-271-7590 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,

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